

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America, ex rel.
Jorg Busse et al.

v.

Civil No. 10-cv-321-JL

United States of America et al.

O R D E R

Before the Court is plaintiffs' motion for judicial notice of FBI file (doc. no. 9). Plaintiffs assert that they need additional time to serve defendants with the complaint (doc. no. 1) because the Federal Bureau of Investigations, on September 8, 2010, executed a search warrant and seized their computers and the summonses previously issued to them by the Clerk in this case. This seizure occurred approximately 40 days after plaintiffs filed their complaint (doc. no. 1) (filed July 29, 2010).

On December 8, 2010, I denied plaintiffs' motion for an extension of time to effect service. See Order (Dec. 8, 2010). Upon further review of the record, I note that plaintiffs have asserted that they cannot serve defendants because they lack summonses issued by this Court. I conclude, therefore, that plaintiffs have demonstrated good cause for further extending

the time for service. See Fed. R. Civ. P. 4(m) (extension of time for service may be granted for good cause).

Accordingly, the motion (doc. no. 9) is granted in part, to the extent that plaintiffs shall have additional time to serve the complaint. The motion (doc. no. 9) is denied in all other respects. The Clerk's Office is directed to provide plaintiffs with the necessary blank summonses and waivers. Plaintiffs may return the properly completed forms to the Clerk for signature, seal, and issuance to plaintiffs. See Fed. R. Civ. P. 4(b).

Plaintiffs shall have 90 days from the date of this Order to serve each defendant and to file proofs of service. This Court may dismiss this action without prejudice against any defendant not served within 90 days.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: December 13, 2010

cc: Jorg Busse, pro se
Jennifer Franklin Prescott, pro se

LBM:nmd